

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE MR. JUSTICE K.C. BHANU

-

WRIT PETITION No.8728 OF 2004

Between:

J.L. Reddy S/o. Madhav Reddy
aged about 50 years,

R/o Nalgonda, Nalgonda District.

..... PETITIONER

AND

1. The Vice-Chairman & Managing Director, A.P.S.R.T.C.,
Musheerabad, Hyderabad.
2. The Regional Manager, A.P.S.R.T.C., Nalgonda Region,
Nalgonda District.
3. The Depot Manager, A.P.S.R.T.C., Nalgonda Bus Depot,
Nalgonda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the proceedings, dated 09-10-1998, as illegal, arbitrary and unjust and consequently set aside the

proceedings, dated 09-10-1998 issued by the
2nd respondent.

Counsel for the Petitioner: MR. G. RAVI MOHAN

**Counsel for the Respondents: MR. V.T.M. PRASAD,
S.C. for A.P.S.R.T.C.**

The Court made the following:

ORDER:

This writ petition is filed questioning the impugned order of the 2nd respondent, dated 09-10-1998, in rejecting the review petition, as illegal and arbitrary.

The case of the petitioner is that the 3rd respondent imposed penalty on the petitioner postponing his annual increment for a period of six months with effect on future increments by issuing the proceedings No.02/95(120)/1996-NLG, dated 12-12-1995, for certain irregularities alleged to have committed by him, which is illegal and arbitrary.

Mr. G. Ravi Mohan, learned counsel appearing for the petitioner contended that without conducting any enquiry, major penalty has been imposed on the petitioner, and therefore, the impugned proceedings are liable to be set aside.

On the other hand, learned Standing Counsel appearing for the respondents contended that the disciplinary authority has to take an appropriate decision with regard to punishment, therefore he prays to remand the matter to the disciplinary authority.

For certain irregularities said to have been committed by the petitioner, a charge sheet dated 12-09-1995 was issued to him and he gave an explanation. As the explanation was not satisfactory, the disciplinary authority imposed a major penalty

of deferment of annual increments for a period of six months with cumulative effect on future increments. Imposing a major penalty without conducting regular departmental enquiry cannot be sustained under law. Admittedly, no regular departmental enquiry was conducted in this case. Though it is a matter to be remitted back to the Disciplinary authority for passing appropriate orders, the learned counsel appearing for the petitioner requested this Court to modify the major penalty imposed by the 3rd respondent to that of a minor penalty. As the alleged irregularities have taken place in the year 1995, at this point of time, it is not desirable to remit the matter to the disciplinary authority for conducting any regular departmental enquiry and further more, the petitioner has requested to impose a minor penalty. Therefore, the penalty can be modified in view of the peculiar facts and circumstances of the case.

In the result, the writ petition is disposed of modifying the penalty of deferment of annual increment for a period of six months with effect on future increments to that of deferment of one annual increment without cumulative effect. In the circumstances, no costs. By virtue of this order, petitioner is not entitled to any monetary benefits, but he is entitled for notional increments from the date of this order.

K.C. BHANU, J

Date: 05-07-2005.

PV

To

1. The Vice-Chairman & Managing Director,
A.P.S.R.T.C., Musheerabad, Hyderabad.
2. The Regional Manager, A.P.S.R.T.C.,
Nalgonda Region, Nalgonda, Nalgonda Dist.
3. The Depot Manager, A.P.S.R.T.C.,
Nalgonda Bus Depot, Nalgonda,

Nalgonda District.

4. Two C.D. copies.